

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ROBERT ROMANO,

v.

**Petitioner,**

Case No. 3:14-cv-00187-MMD-WGC

## ORDER

LeGRANDE, et al.,

## Respondents.

14 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28  
15 U.S.C. § 2254 by a Nevada state prisoner.

16 By order filed October 20, 2014, the Court required respondents to file a  
17 response to the amended petition. (Dkt. no. 8.) In that same order, the Court denied  
18 petitioner's motion for the appointment of counsel. (*Id.*) Petitioner has filed a motion for  
19 reconsideration of the Court's denial of the appointment of counsel. (Dkt. no. 9.) When  
20 an interlocutory order is challenged, a district court may rescind, reconsider, or amend a  
21 previous order pursuant to its inherent power to modify interlocutory orders before the  
22 entry of final judgment. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*,  
23 254 F.3d 882, 886-87 (9<sup>th</sup> Cir. 1987).

24       In the instant case, petitioner seeks reconsideration of this Court’s denial of his  
25 motion for the appointment of counsel. Pursuant to 18 U.S.C. § 3006(a)(2)(B), the  
26 district court has discretion to appoint counsel when it determines that the “interests of  
27 justice” require representation. There is no constitutional right to appointed counsel for a  
28 federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987);

1 *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is  
2 generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert.*  
3 *denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert.*  
4 *denied*, 469 U.S. 838 (1984). In the order filed October 20, 2014, this Court determined  
5 that the petition on file is well-written and sufficiently clear in presenting the issues that  
6 petitioner wishes to bring, and that the issues in this case are not complex. Nothing in  
7 petitioner’s motion for reconsideration causes this Court to alter its order denying the  
8 appointment of counsel.

9 It is therefore ordered that petitioner's motion for reconsideration of this Court's  
10 denial of the appointment of counsel (dkt. no. 9) is denied.

DATED THIS 3<sup>rd</sup> day of November 2014.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE